

AUSTIN CITY CLERK
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RESTRICT 2008039766

18 PGS

Zoning Case No. C14-06-0215A
Zoning Case No. C14-06-0215C
Zoning Case No. C14-06-0215D

RESTRICTIVE COVENANT

OWNER: RKS Texas Investments, L.P., a Texas limited partnership

ADDRESS: 601 Sonterra Boulevard, San Antonio, Texas 78258

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Being 60.62 acres of land, more or less, comprised of an 8.365 acre tract, a 31.293 acre tract, and a 20.962 acre tract, all of the tracts of land being out of the Santiago del Valle Grant, in the City of Austin, Travis County, and being more particularly described by metes and bounds in Exhibits "A", "B", and "C" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the "TIA") prepared by Robert J. Halls and Associates, dated April 27, 2007, or as amended and approved by the Director of the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 29, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department, or its successor department, of the City of Austin.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

1-31-08
113-116

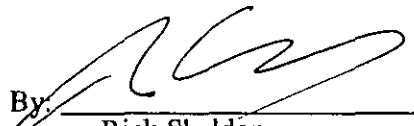
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 30th day of January, 2008.

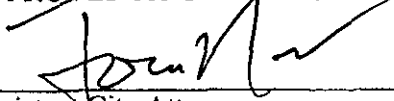
OWNER:

**RKS Texas Investments, L.P.,
a Texas limited partnership**

By: RKS Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: 
Rick Sheldon,
President

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

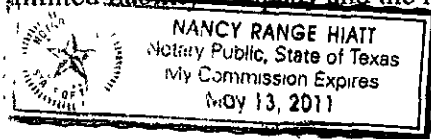
THE STATE OF TEXAS

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COUNTY OF Bexar

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This instrument was acknowledged before me on this the 30th day of January, 2008, by Rick Sheldon, Preside not RKS Texas GP, LLC, a Texas limited liability company, General Partner, of RKS Texas Investments, L.P., a Texas limited partnership, on behalf of the ~~limited liability company~~ and the limited partnership.



Nancy Range Hiatt
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.
Surveying and Mapping**

C14-06-0215A

Office 512-443-1724

Fax. 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**8.365 ACRES
FC PROPERTIES ONE, LTD.**

A DESCRIPTION OF 8.365 ACRES IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 109.808 ACRE TRACT DESCRIBED AS TRACT VIII IN A SPECIAL WARRANTY DEED TO FC PROPERTIES ONE, LTD., EXECUTED MARCH 20, 1998, AND RECORDED MARCH 25, 1998 IN VOLUME 13147, PAGE 1506 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 8.365 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a TxDOT monument found for angle point in the south right-of-way line of William Cannon Drive (right-of-way width varies) and the south line of a 0.560 acre tract described in Volume 13313, Page 1231 of the Real Property Records of Travis County, Texas;

THENCE with the south right-of-way line of said William Cannon Drive, the south line of the 0.560 acre tract and over and across the 109.808 acre tract along a curve to the right having a radius of 1363.06 feet, a delta angle of $01^{\circ}29'37''$, an arc length of 35.54 feet and chord which bears South $78^{\circ}16'27''$ East, a distance of 35.53 feet to a calculated point, from which a TxDOT monument found bears along a curve to the right having a radius of 1363.06 feet, a delta angle of $16^{\circ}30'54''$, an arc length of 392.89 feet and chord which bears South $70^{\circ}45'49''$ East, a distance of 391.53 feet,

THENCE departing the south right-of-way line of William Canon Drive, the south line of the 0.560 acre tract and continuing over and across the 109.808 acre tract, the following thirteen (13) courses.

1. South $12^{\circ}29'01''$ West, a distance of 47.87 feet to a calculated point for a point of curvature,
2. Along a curve to the right having a radius of 450.00 feet, a delta angle of $50^{\circ}21'24''$, an arc length of 395.50 feet and chord which bears South $37^{\circ}39'43''$ West, a distance of 382.89 feet to a calculated point;
3. South $62^{\circ}50'25''$ West, a distance of 280.43 feet to a calculated point for a point of curvature;
4. Along a curve to the left having a radius of 450.00 feet, a delta angle of $42^{\circ}20'35''$, an arc length of 332.56 feet and chord which bear South $41^{\circ}40'07''$ West, a distance of 325.05 feet to a calculated point;

5. South $20^{\circ}30'44''$ West, a distance of 20.83 feet to a calculated point,
6. North $53^{\circ}22'27''$ West, a distance of 11.44 feet to a calculated point;
7. North $19^{\circ}55'36''$ East, a distance of 29.63 feet to a calculated point,
8. North $14^{\circ}07'09''$ East, a distance of 91.05 feet to a calculated point;
9. Along a curve to the left having a radius of 450.00 feet, a delta angle of $22^{\circ}43'19''$, an arc length of 178.46 feet and chord which bears North $03^{\circ}02'54''$ West, a distance of 177.29 feet to a calculated point;
10. North $16^{\circ}46'54''$ West, a distance of 37.23 feet to a calculated point;
11. North $19^{\circ}09'04''$ West, a distance of 245.53 feet to a calculated point,
12. Along a curve to the right having a radius of 450.00 feet, a delta angle of $25^{\circ}36'50''$, an arc length of 201.17 feet and chord which bears North $06^{\circ}20'38''$ West, a distance of 199.50 feet to a calculated point,
13. North $06^{\circ}27'48''$ East, a distance of 80.40 feet to a calculated point in the south right-of-way line of William Cannon Drive, from which a $1/2''$ rebar found for a point of curvature bears North $83^{\circ}25'04''$ West, a distance of 34.94 feet,

THENCE continuing over and across the 109.808 acre tract with the south right-of-way line of William Cannon Drive, the following two (2) courses.

1. South $83^{\circ}25'04''$ East, a distance of 35.14 feet to a $1/2''$ rebar found for a point of curvature;
2. Along a curve to the right having a radius of 20.00 feet, a delta angle of $28^{\circ}46'03''$, an arc length of 10.04 feet and chord which bears North $20^{\circ}18'50''$ East, a distance of 9.94 feet to a TxDOT monument found for the southwest corner of said 0.560 acre tract;

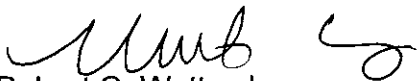
THENCE continuing over and across the 109.808 acre tract with the south right-of-way line of William Cannon Drive and the south line of the 0.560 acre tract, the following three (3) courses:

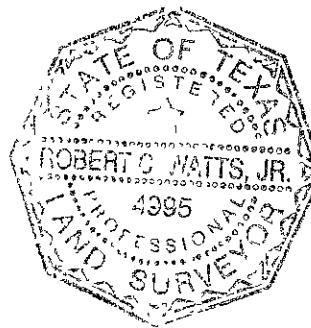
1. South $83^{\circ}33'27''$ East, a distance of 633.10 feet to a TxDOT monument found for

a point of curvature,

2. Along a curve to the right having a radius of 1379.47 feet, a delta angle of $04^{\circ}33'46''$, an arc length of 109.86 feet and chord which bears South $81^{\circ}29'22''$ East, a distance of 109.83 feet to a TxDOT monument found;
3. South $10^{\circ}38'48''$ West, a distance of 16.66 feet to the **POINT OF BEGINNING**, containing 8.365 acres of land, more or less

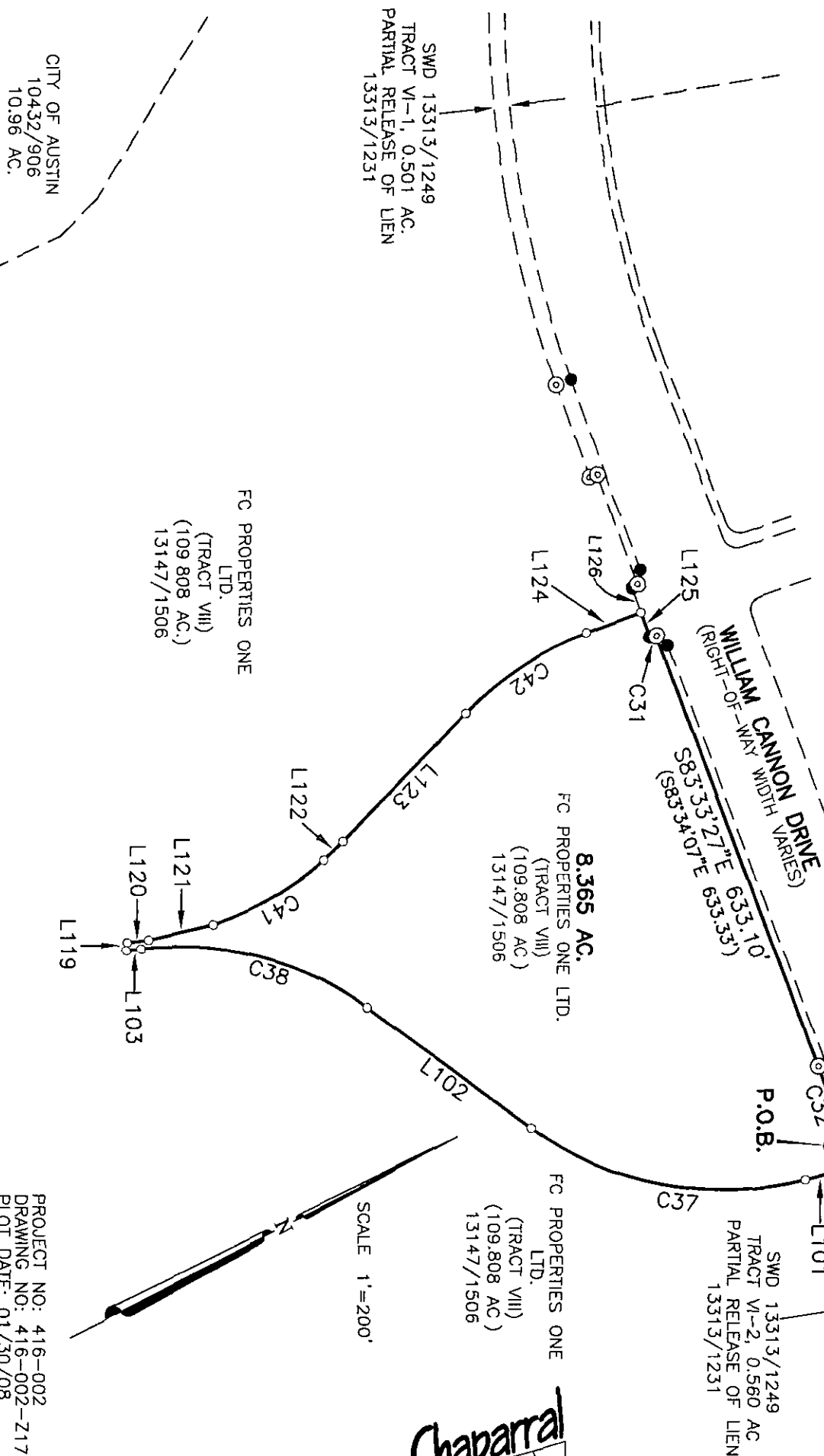
Based upon a survey made on the ground, April, 2004. Bearing Basis Grid azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA control network Attachments: Survey Drawing 416-002-Z17.dwg


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



1-30-08

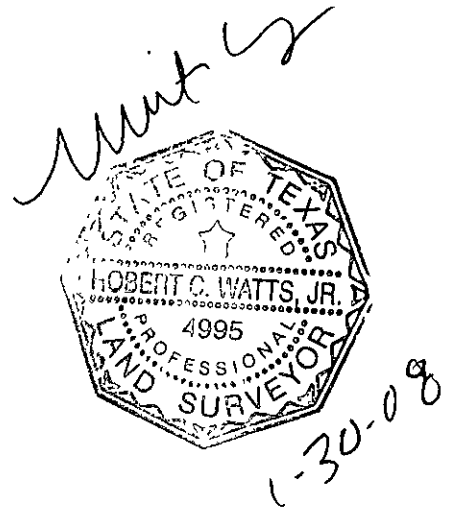
SKETCH TO ACCOMPANY A DESCRIPTION OF 8.365 ACRES IN THE
SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION
OF A 109.808 ACRE TRACT DESCRIBED AS TRACT VIII IN A SPECIAL
WARRANTY DEED TO FC PROPERTIES ONE, LTD., EXECUTED MARCH 20,
1998, AND RECORDED MARCH 25, 1998 IN VOLUME 13147, PAGE 1506
OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.



Chaparral

PROJECT NO: 416-002
DRAWING NO: 416-002-Z17
PLOT DATE: 01/30/08
DRAWN BY: RGH
PAGE 1 OF 2

LINE TABLE		
No.	BEARING	LENGTH
L82	S10°38'48"W	16.66'
L101	S12°29'01"W	47.87'
L102	S62°50'25"W	280.43'
L103	S20°30'44"W	20.83'
L119	N53°22'27"W	11.44'
L120	N19°55'36"E	29.63'
L121	N14°07'09"E	91.05'
L122	N16°46'54"W	37.23'
L123	N19°09'04"W	245.53'
L124	N06°27'48"E	80.40'
L125	S83°25'04"E	35.14'
L126	N83°25'04"W	34.94'



CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C31	28°46'03"	20.00'	5.13'	10.04'	9.94'	N20°18'50"E
C32	4°33'46"	1379.47'	54.96'	109.86'	109.83'	S81°29'22"E
C33	16°30'54"	1363.06'	197.82'	392.89'	391.53'	S70°45'49"E
C36	1°29'37"	1363.06'	17.77'	35.54'	35.53'	S78°16'27"E
C37	50°21'24"	450.00'	211.55'	395.50'	382.89'	S37°39'43"W
C38	42°20'35"	450.00'	174.29'	332.56'	325.05'	S41°40'07"W
C41	22°43'19"	450.00'	90.42'	178.46'	177.29'	N03°02'54"W
C42	25°36'50"	450.00'	102.29'	201.17'	199.50'	N06°20'38"W

LEGEND	
●	1/2" REBAR FOUND
○	CALCULATED POINT
⊙	TxDOT MONUMENT FOUND

BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE, 1983/93 HARN VALUES FROM
LCRA CONTROL NETWORK

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 416-002-Z17.

Chaparral

PROJECT NO. 416-002
DRAWING NO. 416-002-Z17
PLOT DATE. 01/30/08
DRAWN BY RGH
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